

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

KOLIN B. BERNARD,

Plaintiff,

v.

Case Number: 11-12951
Honorable Thomas L. Ludington

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND GRANTING
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

This case was referred to United States Magistrate Judge Mona K. Majzoub pursuant to 28 U.S.C. § 636(b)(1)(B), E.D. Mich. LR 72.1(b)(3). ECF No. 3. Before Magistrate Judge Majzoub were the parties' cross-motions for summary judgment. The magistrate judge issued her report on July 25, 2012, recommending that this Court grant Defendant's motion for summary judgment, deny Plaintiff's, and dismiss the case. ECF No. 15. Fourteen days later, Plaintiff filed a motion to extend the time to file objections to that report. ECF No. 16. The motion was granted, extending Plaintiff's time to file objections by fourteen days. ECF No. 17. The order specifically required objections "no later than August 22, 2012." *Id.* As of August 23, no objections have been filed, and Plaintiff's right to do so is deemed waived. The election to not file objections to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation, ECF No. 15, is **ADOPTED**.

It is **ORDERED** that the defendant's motion for summary judgment, ECF No. 13, is **GRANTED**, and the plaintiff's motion for summary judgment, ECF No. 11, is **DENIED**.

It is further **ORDERED** that the determination of the Commissioner of Social Security is **AFFIRMED** and that the complaint, ECF No. 1, is **DISMISSED** with prejudice.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: August 23, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 23, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS